

INFORMATION SHEET  
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING  
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY  
 V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Philadelphia

FILE NUMBER: CENAP-OP-R-200600202

REGULATORY PROJECT MANAGER: John Brundage Date: April 28, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office \_\_\_\_\_ (Y/N) Date: \_\_\_\_\_  
 At the project site y (Y/N) Date: March 10, 2006

PROJECT LOCATION INFORMATION:

State: Delaware

County: Kent

Center coordinates of site by latitude & longitudinal coordinates: 39-00-39 and 75-30-44

Approximate size of site/property (including uplands & in acres): 137.9

Name of waterway or watershed: Ash Gut

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.05								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒ .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The site is 137.9 acres in size, a mix of forest and agricultural lands

There is an isolated wetland at the site, the wetland being 0.05 acre in size. The isolated wetland is a non-navigable, intrastate, isolated wetland. The isolated wetland is relatively small in size, closed in nature, and has insufficient hydrology to support navigation. There is no evidence that the isolated wetland is or could be used for interstate or foreign commercial purposes. The isolated wetland has no surface water connection to other waters of the United States, but is located approximately 1250 linear feet from the nearest tributary water of the United States, Ash Gut.